

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
	)	

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**ORDER CLARIFYING AMENDED MEMORANDUM OPINION AND ORDER  
GRANTING MOTIONS FOR PARTIAL RECONSIDERATION OF THE OPINION  
SUSTAINING IN PART AND OVERRULING IN PART THE RESCAP LIQUIDATING  
TRUST’S OBJECTION TO CLAIMS FILED BY DUNCAN K. ROBERTSON**

The ResCap Liquidating Trust’s (the “Trust”) filed an objection (the “Objection,” ECF Doc. # 8072) to Claim Numbers 2385, 2386, 2387, 2388, and 2389 (the “Claims,” *id.* Ex. 1) filed by Duncan K. Robertson (“Robertson”) in the above-captioned chapter 11 proceedings. On April 28, 2015, this Court issued a memorandum opinion and order overruling in part and sustaining in part the Objection to the Claims (the “First Opinion,” ECF Doc. # 8533). *See In re Residential Capital, LLC*, 531 B.R. 1 (Bankr. S.D.N.Y. 2015). In the First Opinion, the Court overruled the Objection without prejudice as to the following claims: (1) trespass against Debtor Homecomings Financial, LLC (the “Trespass Claim,” *see id.* at 19); (2) fraud against Debtors Residential Funding Real Estate Holdings, LLC (“RFREG”) and Executive Trustee Services, LLC (“ETS”) (the “Fraud Claim,” *see id.* at 23–25); and (3) violation of the Washington Consumer Protection Act (“WCPA”) against RFREH and ETS (the “WCPA Claim,” *see id.* at 30–31).

Subsequently, the Trust and Robertson each filed motions for reconsideration (the “Reconsideration Motions,” *see* ECF Doc. ## 8598, 8604, 8917, 8951). The Court issued an amended memorandum opinion and order granting the Reconsideration Motions on September 4,

2015 (the “Amended Opinion,” ECF Doc. # 9108). *See In re Residential Capital, LLC*, --- B.R. - --, 2015 WL 5168668 (Bankr. S.D.N.Y. Sept. 4, 2015).

On September 15, 2015, Robertson filed a motion for clarification of the Amended Opinion and a motion to extend time to file a notice of appeal of the Amended Opinion (*see* “Motion for Clarification,” ECF Doc. # 9159). To the extent the Motion for Clarification seeks clarification of this Court’s Amended Opinion, the Motion for Clarification is **GRANTED**.

The Court hereby clarifies that the Amended Opinion granted the Reconsideration Motions and reconsidered its holding in the First Opinion as to the Fraud Claim and WCPA Claim. The Amended Opinion sustains the Objection as to those two claims. However, the Amended Opinion did not reconsider the Court’s holding with respect to Robertson’s Trespass Claim. Therefore, the Objection to Robertson’s Trespass Claim remains overruled without prejudice.

**IT IS SO ORDERED.**

Dated: September 17, 2015  
New York, New York

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge